

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Sam Digirolamo on 12/13/10.

3. Please Amend the Claims as follows:

Claim 14 (Cancelled)

Claim 15 (Cancelled)

Claim 27 (Currently amended) A method for treating a bovine animal to achieve a positive effect on the health of said bovine animal comprising:

applying at least a single effective dose of a prophylactic composition directly to the ~~exterior of the~~ nasal plane ~~between the nostrils and above the upper lip~~ of said bovine animal,

wherein said bovine animal distributes said single effective dose into its oral and/or nasal cavities to contact the oral and/or nasal mucosa when said bovine animal cleans said nasal plane with its tongue,

wherein said prophylactic composition includes at least one prophylactic agent and a post-application identifier.

Claim 37 (currently amended): A method for immunizing a bovine animal comprising:

applying at least a single effective dose of an immunizing composition directly to the nasal plane ~~between the nostrils and above the upper lip~~ of said bovine animal,

wherein said bovine animal distributes said single effective dose into its oral and/or nasal cavities to contact the oral and/or nasal mucosa when said bovine animal cleans said nasal plane with its tongue,

wherein said immunizing composition includes at least one biological agent and a post-application identifier,

wherein said post-application identifier is detectable on the exterior of said bovine animal's nasal plane.

Claim 39 ~~(previously presented)~~ (currently amended): The method of claim 37 wherein said ~~antigen~~-biological agent is a vaccine.

Claim 41 ~~(previously presented)~~ (currently amended): The method of claim 39, wherein said ~~prophylactic~~-immunizing composition is selected from the group consisting of pastes, salves, and films

Reasons for allowance

4. The following is an examiner's statement of reasons for allowance:

The closest prior art is Hasker et al. Australian Journal of Experimental Agriculture, 1989, 29, 765-9. Hasker et al teaches the use of licking behavior of cattle to administer medicaments in which the medicament is applied to the coat of the side of the cows on the side (left and right side) and the cows licked their coat and licked other cows. Hasker et al does not disclose application of medicaments to the nasal plane of bovines for the purpose of licking and distributing to the nasal and/or oral mucosa.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Citation of Relevant Art Pertinent to Applicants Disclosure

Frandsen et al. Anatomy and Physiology of Farm Animals, 2009, Chapter 19 p. 317-
p.344-Frandsen et al teaches that the hairless region of the most rostral parts of the nose in the
cow is given the scientific name planum nasolabiale. See p. 318 bridging paragraph to p. 319.

6. All pending claim rejections are withdrawn.

7. Claims 23, 27-35 and 37-42 are allowed.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to OLUWATOSIN OGUNBIYI whose telephone number is
(571)272-9939. The examiner can normally be reached on M-F 5:30 am- 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Patricia Duffy can be reached on 571-272-0855. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
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like assistance from a USPTO Customer Service Representative or access to the automated
information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oluwatosin Ogunbiyi/
Examiner, Art Unit 1645

/N. M. Minnifield/

Primary Examiner, Art Unit 1645